

FILED

SEP 20 2018

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MITCHELL T. YANOW,

Defendant.

No.

**4:18CR00787 JAR/DDN**

INDICTMENT

COUNT I

The Grand Jury charges that:

A. Introduction

At all times pertinent to the charges in this indictment:

1. Defendant Mitchell T. Yanow was a financial consultant assigned to the Stifel Nicolaus & Company, Inc. (Stifel) office in Boca Raton, Florida from approximately April 2015 to June 2018. Defendant Yanow was a stock broker and financial advisor whose responsibility was to make investment recommendations to his customers.

2. A.W. was defendant Yanow's client since approximately 1993 and had maintained defendant Yanow as his financial advisor as defendant Yanow moved to different brokerage firms. A.W. trusted defendant Yanow to handle his financial affairs honestly. A.W.'s account with Stifel was the A.W. 2015 Grantor Trust.

3. A.W. maintained a Stifel Prestige checking account. Stifel maintains an account at Bank of New York but does not maintain individual accounts at Bank of New York. St. Louis is the home office for Stifel. All transfers of monies for Stifel Prestige checking accounts are

routed through the Stifel treasury department in St. Louis. Debits on individual accounts occur in St. Louis based upon wires received from the Bank of New York. Checks on A.W.'s account that were cashed in Florida caused wires to occur from Florida to New York to St. Louis and caused monies to be routed from St. Louis to New York to Florida.

B. The Scheme to Defraud

Between in and about September 2017 and in and about June 2018, within the Eastern District of Missouri and elsewhere,

**MITCHELL T. YANOW,**

the defendant herein, devised and intended to devise a scheme and artifice to defraud and to obtain money and property by means of material false and fraudulent pretenses, representations and promises, which scheme and artifice to defraud is more fully described, as follows:

1. It was part of said scheme and artifice to defraud that defendant Yanow persuaded A.W. to provide him with signed blank checks on A.W.'s Stifel Prestige account. Defendant Yanow falsely told A.W. that defendant Yanow would use the blank checks to pay A.W.'s expenses.

2. It was further part of said scheme and artifice to defraud that defendant Yanow completed some of the blank checks to pay his own personal and family expenses. Defendant Yanow made the checks payable to the attorney for his homeowner's association, his sons' camp, his children's college counselor and to M.R. to purchase a Corvette.

3. It was further part of said scheme and artifice to defraud that defendant Yanow completed some of the blank checks payable to Eileen Lampert, defendant Yanow's mother-in-law, and directed Ms. Lampert to cash the checks at her bank in Florida and provide the proceeds to defendant Yanow's wife. Lampert deposited the checks into her account and then directed

teller transfers thereby transferring proceeds from A.W.'s checks into defendant Yanow's wife's account. The proceeds were used to pay defendant Yanow's family expenses.

4. The loss to A.W. from defendant Yanow's scheme to defraud was over \$200,000.

C. The Wiring

On or about September 7, 2017, in the Eastern District of Missouri and elsewhere,

**MITCHELL T. YANOW,**

defendant herein, for the purpose of executing this scheme and artifice to defraud, and in attempting to do so, and to obtain money and property by means of material false and fraudulent pretenses, representations and promises, did knowingly and willfully transmit and cause to be transmitted in interstate commerce, certain signs, signals and sounds by means of a wire communication, that is, a wire from New York to St. Louis, Missouri causing a \$5,825 debit to the Stifel account of A.W. payable to JCCPGH.

In violation of Title 18, United States Code, Sections 1343 and 2.

**COUNT II**

The Grand Jury further charges that:

1. Paragraphs one through three of Section A and paragraphs one through four of Section B of Count I of this indictment are re-alleged and incorporated herein by reference.

2. On or about November 17, 2017, within the Eastern District of Missouri and elsewhere,

**MITCHELL T. YANOW,**

defendant herein, for the purpose of executing this scheme and artifice to defraud, and in attempting to do so, and to obtain money and property by means of material false and fraudulent pretenses, representations and promises, did knowingly and willfully transmit and cause to be

transmitted in interstate commerce, certain signs, signals and sounds by means of a wire communication, that is, a wire from Florida to New York to St. Louis, Missouri causing a \$8,800 debit to the Stifel account of A.W. payable to Eileen Lampert.

In violation of Title 18, United States Code, Sections 1343 and 2.

**COUNT III**

The Grand Jury further charges that:

1. Paragraphs one through three of Section A and paragraphs one through four of Section B of Count I of this indictment are re-alleged and incorporated herein by reference.

2. On or about January 16, 2018, within the Eastern District of Missouri and elsewhere,

**MITCHELL T. YANOW,**

defendant herein, for the purpose of executing this scheme and artifice to defraud, and in attempting to do so, and to obtain money and property by means of material false and fraudulent pretenses, representations and promises, did knowingly and willfully transmit and cause to be transmitted in interstate commerce, certain signs, signals and sounds by means of a wire communication, that is, an email from Florida to St. Louis, Missouri that falsely stated that Eileen Lampert was brokering the sale of artifacts for A.W. and that A.W. was paying Eileen Lampert for those services.

In violation of Title 18, United States Code, Sections 1343 and 2.

**COUNT IV**

The Grand Jury further charges that:

1. Paragraphs one through three of Section A and paragraphs one through four of Section B of Count I of this indictment are re-alleged and incorporated herein by reference.

2. On or about April 27, 2018, within the Eastern District of Missouri and elsewhere,

**MITCHELL T. YANOW,**

defendant herein, for the purpose of executing this scheme and artifice to defraud, and in attempting to do so, and to obtain money and property by means of material false and fraudulent pretenses, representations and promises, did knowingly and willfully transmit and cause to be transmitted in interstate commerce, certain signs, signals and sounds by means of a wire communication, that is, a wire from Florida to New York to St. Louis, Missouri causing a \$8,273.70 debit to the Stifel account of A.W. payable to Eileen Lampert.

In violation of Title 18, United States Code, Sections 1343 and 2.

**FORFEITURE ALLEGATION**

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 18, United States Code, Sections 981(a) and Title 28, United States Code, Section 2461(c), upon conviction of an offense in violation of Title 18, United States Code, Section 1343 as set forth in Counts I through IV, the defendant shall forfeit to the United States of America any property, real or personal, constituting or derived from any proceeds traceable to such violations.

2. Subject to forfeiture is a sum of money equal to the total value of any property, real or personal, constituting or derived from any proceeds traceable to such violations.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided  
without difficulty,

the United States of America will be entitled to the forfeiture of substitute property pursuant to  
Title 21, United States Code, Section 853(p).

A TRUE BILL.

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FOREPERSON

JEFFREY B. JENSEN  
United States Attorney

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CARRIE COSTANTIN, #35925MO  
Assistant United States Attorney